

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Applicant(s) Ruy Tchao Examiner: Wong, L.A.
Serial No.: 09/472,490 Group Art Unit: 1761
Confirmation No.: 8828 Docket: 102-302 RE/CON
Filed: December 23, 1999 Dated: July 26, 2006
For: CHEMOTAXIS ASSAY
PROCEDURE

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Signed: *M J Mullin / M J Mullin*

REPLY BRIEF PURSUANT TO 37 C.F.R. §41.41

Sir:

This is a brief in reply to the Examiner's Answer which was filed on June 14, 2006, in the above-identified appeal.

The present appeal originated as a result of a final rejection in the present case mailed on March 30, 2001. Appellant's first brief was filed on December 26, 2001 (and was refiled on April 18, 2002 due to an inadvertent omission of the appendix). As a result of the filing of the first appeal brief, prosecution on the merits was reopened. However, reopening prosecution did

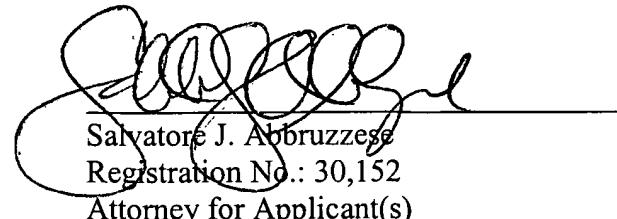
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not result in allowable claims and a second appeal brief was filed on November 7, 2003. That second appeal brief again resulted in the reopening of prosecution. The claims were again finally rejected and a third appeal brief was filed on May 15, 2005. Each of the appeal briefs were, in essence, a refiling of the original appeal brief filed on December 26, 2001.

As a result of changes in the rules of practice relating to appeal briefs, the original brief did not include an Evidence Appendix or a Related Proceedings Appendix. In order to rectify this omission, submitted herewith is an Evidence Appendix and a Related Proceedings Appendix in accordance with 37 C.F.R. §41.37. It is noted that, in both instances, no additional information is being submitted.

Also filed concurrently herewith is appellant's request for an oral hearing. Entry of this reply brief is respectfully requested.

Respectfully submitted,



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X. Evidence Appendix

None.

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XI. Related Proceedings Appendix

None.